

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

W/6	FILED
DATE: <u>February 24, 2012</u>	
1:25 o'clock P.M.	
Sandra K Markham, Clerk	
BY: <u>Becky Hamilton</u>	
Deputy	

DIVISION: VISITNG

SANDRA K MARKHAM, CLERK

HON. GARY E. DONAHOE

By: Becky Hamilton, Deputy Clerk

CASE NO. P1300CR201001325

Date: February 24, 2012

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney (e)

(Plaintiff)

(For Plaintiff)

vs

STEVEN CARROLL DEMOCKER

Craig Williams (e)

Greg Parzych (e)

(Defendant)

(For Defendant)

HEARING ON

NATURE OF PROCEEDINGS

COURT REPORTER

Telephonic Conference

Lisa Chaney

START TIME: 9:04 a.m.

APPEARANCES: Jeff Paupore, Counsel for the State
Steven Young, Counsel for the State
Craig Williams, Counsel for the Defendant
Greg Parzych, Counsel for the Defendant

This is the time set for hearing on the State's "Motion for Clarification of the Court's Ruling Denying Admission of Jail Calls on February 10, 2012" and the State's "Motion to Determine Admissibility of Defense Expert Gregg Curry." The Defendant's presence is waived for this telephonic conference.

Court and Counsel discuss the State's "Motion to Determine Admissibility of Defense Expert Gregg Curry" and Defendant's request for an *ex parte* hearing to determine the reasonableness of the bill in dispute. Mr. Paupore objects to the hearing being conducted *ex parte*. Because review of the issue may involve discussion of attorney-client and work product matters,

IT IS HEREBY ORDERED that Defendant's requests that the hearing be conducted *ex parte* and that the transcript be sealed are granted. ✓

IT IS FURTHER ORDERED setting an **ex parte hearing re: the reasonableness of Navigant's bill** on **March 5, 2012, at 10:00 a.m.**, in Division 1, Yavapai County Courthouse, Prescott. ✓

Defense Counsel is directed to contact the Judicial Assistant for Division 1 if a different hearing date is needed. Documentation regarding the bill in review may be provided to the Court prior to the March 5th hearing date.

Court and Counsel discuss the State's "Motion for Clarification of the Court's Ruling Denying Admission of Jail Calls on February 10, 2012." Counsel for the State, Mr. Paupore, requests that the Defense be ordered to disclose the transcripts of the jail calls prepared by the prior defense team. The Court indicates that it is not inclined to allow 20 to 25 hours of jail calls to be played to the jury. Mr. Paupore states that he intends to narrow the list of calls down, as the calls average twelve to fifteen minutes each.

Counsel for the Defense, Mr. Williams, objects to the request for transcripts and states that the jail calls issue has already been ruled on by the previous Judge.

The Court **finds** it is the State's burden to prepare the transcripts on the telephone calls because the State is offering the calls in evidence as part of its case in-chief.

IT IS FURTHER ORDERED vacating the Court's previous order precluding the State from introducing into evidence telephone calls made by Defendant from the jail. The Court will make a determination after reviewing the transcripts of whether any offered call is relevant and admissible.

IT IS FURTHER ORDERED denying the State's request that defense counsel be ordered to produce the transcripts that the defense has prepared.

IT IS FURTHER ORDERED that if the State intends to offer into evidence any of the jail calls listed in Exhibit 3 to its Motion for Clarification, the State must provide the Court and defense counsel a transcript of each call.

Counsel for the Defense, Mr. Williams, provides an update to the Court on the special action with the Court of Appeals.

END TIME: 9:32 a.m.

Cc: Hon. Gary E. Donahoe (e)
YCSO – Detention Records (e)
Victim Services (e)
Steptoe & Johnson (e)
Melody Harmon (e)
De La Torre Law Office (e)
William Culbertson (e)
James J. Belanger, 2800 N. Central Avenue, Ste. 1200, Phoenix, AZ 85004
Division 1 (e)